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by Kostiantyn Ponomarov, CIPP/E

#Artificial intelligence #Regulations

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Global Al Regulations Tracker: Europe, Americas & Asia-Pacific Overview

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As Al-driven products proliferate and global regulations adapt, regulators are swiftly initiating reforms for Al governance. The regulatory landscape in this field is becoming more dynamic, with diverse enforcement strategies being adopted all around the globe.

Privacy and Data Protection

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The future of global Al regulations

Prepare yourself for the global Al compliance trend

Get started with Al regulation compliance

While the US, the EU, the UK, and China often steal the spotlight, other jurisdictions are also making significant steps in AI governance. In fact, more and more jurisdictions are trying to keep pace in the race to achieve the best balance between innovation and regulatory oversight.

This article is brought to you by the **Legal Nodes Privacy Team**. Legal Nodes is a legal platform that supports tech companies operating globally. We help businesses establish and maintain legal structures and handle privacy, data protection and compliance matters in 20+ countries.

Please note: none of this information should be considered as legal, tax, or privacy advice. We do our best to make sure information is accurate at the time of publishing, however laws and practices may change. To kickstart your Al compliance process and find out how Legal Nodes can help you, book a free call now.

Recognizing the challenge of staying updated with this myriad of policy changes, we at Legal Nodes have compiled this **overview of leading jurisdictions in Al governance.** While it

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may not encompass every AI governance update – given the vast number of jurisdictions and swift policy shifts – we believe our summary provides valuable insights into the broader AI regulatory framework.

This guide aims to assist AI startups, investors, and those interested in AI regulations in navigating and grasping the evolving regulatory environment. It represents regions accounting for 70% of the global GDP in 2023 and half the world's population. We've organized these jurisdictions into three main regions: **Europe**, the **Americas**, and **Asia-Pacific**.

Global AI Regulations Landscape



Europe

European Union Al policy details

In the EU, the comprehensive Al Act received a favorable vote from the European Parliament on March 13, 2024. The Act is expected to come into force in the coming months, and following a 2-year grace period, will be fully applicable around June 2026.

For a deeper dive into this regulation, refer to our <u>overview of</u> the EU Al Act, which we initially published after the Act was endorsed by the EU Parliament, and have subsequently updated as the regulations have progressed.

Alongside the Al Act, other important legislations in the realm of Al are in the pipeline. Notably, the proposed <u>Al Liability</u> <u>Directive</u> aims to clarify civil liability concerning damages induced by Al systems.

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WHICH EUROPEAN AUTHORITIES ARE OVERSEEING AI COMPLIANCE?

- <u>European Data Protection Board</u> as well as the <u>European Data Protection Supervisor</u>
- The EU Al Board as outlined by the proposed Al Act
- Al regulatory bodies of member states, such as the newly created <u>Spanish Al Supervision Agency</u>
- Data Protection Authorities of Member States

United Kingdom Al policy details

The UK hasn't rolled out a comprehensive AI regulation, and does not plan to do so. Instead, it advocates a context-sensitive, balanced approach, using existing sector-specific laws for AI guidance.

Learn more about the UK's approach in this in-depth <u>review of</u> the UK's Al Regulatory Regime.

WHICH UK AUTHORITIES ARE MANAGING AI-RELATED REGULATION?

In the UK, national AI strategy is overseen by a specialized AI authority - Office for AI. Other authorities relevant for AI compliance include:

- Information Commissioner's Office
- <u>Digital Regulation Cooperation Forum</u>

Switzerland Al policy details

Switzerland has also opted against introducing a standalone Al regulation, taking a path similar to the UK. It focuses on selectively amending existing laws to accommodate Al. This approach includes:

 integrating AI transparency rules into existing data protection laws; and modifying the local competition laws, product liability laws, and general civil laws to address AI system needs.

A more substantial vision of the Swiss envisioned framework to Al regulation was clarified by the <u>Position Paper</u> from 2021 by the Swiss <u>Digital Society Initiative</u> in collaboration with the University of Zurich.

WHICH SWISS AUTHORITIES MANAGE AI-RELATED REGULATION?

- Federal Data Protection and Information Commissioner
- Competition Commission

Read more: Can a DPO or an AI Ethics Officer help your business comply with AI regulations?

Americas

The United States Al policy details

While the U.S. lacks a unified AI regulation, it has established numerous guidelines and frameworks to govern the AI sector on a federal level. The existing legal landscape encompasses:

Executive Orders, such as:

- Maintaining American Leadership in Al
- Promoting the Use of Trustworthy AI in the Federal Government Act

Legislations and Proposed Bills:

- Al Training Act
- National Al Initiative Act
- Algorithmic Accountability Act (proposed)
- <u>Transparent Automated Governance Act</u> (proposed)
- Global Technology Leadership Act (proposed)

To sum up, the US is adopting a case-by-case strategy to Al governance enforcement, avoiding an overly precautionary approach.

WHICH US AUTHORITIES MANAGE AI-RELATED POLICIES?

In the US, the absence of a dedicated AI law means that the oversight and regulation of AI deployment fall to existing agencies. These agencies responsible for ensuring AI guidelines include:

- Federal Trade Commission
- Department of Justice
- Consumer Financial Protection Bureau
- Equal Employment Opportunity Commission

Learn more: do US companies need to become selfcertified under the EU-US Data Privacy Framework?

Canada Al policy details

Canada is advancing the Al and Data Act (AIDA) to safeguard Canadians from high-risk Al and promote responsible Al

practices in line with global norms. AIDA emphasizes safety, human rights, and curbs reckless AI applications.

In addition to AIDA, Canada has rolled out a <u>Directive on</u>

<u>Automated Decision-Making</u> which lays down specific standards that the federal government must adhere to when utilizing automated decision-making systems.

WHICH CANADIAN AUTHORITIES MANAGE AI-RELATED REGULATION?

When it comes to oversight and guidance on these matters, two significant entities stand out:

- Ministry of Innovation, Science and Economic
 Development
- Office of the Privacy Commissioner of Canada

Brazil Al policy details

Brazil is actively developing a comprehensive Al Bill, which seeks to prohibit specific high-risk Al systems, sets up a dedicated regulatory body, and imposes civil liability on Al developers and deployers.

Additionally, it would require prompt reporting of significant security breaches and guarantee individuals the right to understand Al-driven decisions and correct biases.

WHICH BRAZILIAN AUTHORITIES MANAGE AI-RELATED REGULATION?

The following authorities oversee the compliance of Al regulation:

- Ministry of Science, Technology and Innovation
- National Data Protection Authority

Asia-Pacific

China Al policy details

China stands at the forefront of jurisdictions who are actively introducing AI regulations. As they work on drafting a holistic AI framework, several specific AI applications are already governed by existing rules. These encompass:

- <u>Algorithmic Recommendations Management</u>
 Provisions
- Ethical Norms for New Generation Al
- Opinions on Strengthening the Ethical Governance of Science and Technology

Al governance initiatives in progress include:

- <u>Draft Provisions on Deep Synthesis Management</u>
- Measures for the Management of Generative Al Services

WHICH CHINESE AUTHORITIES ARE RESPONSIBLE FOR AI REGULATION?

Chinese Al governance laws foresee targeted enforcement approaches, with regulatory entities whose roles frequently intersect and overlap. Prominent regulatory entities include:

- Cyberspace Administration of China
- Ministry of Industry and Information Technology
- State Administration for Market Regulation

Japan Al policy details

Japan doesn't have strict Al regulations. Instead, the government relies on guidelines and lets the private sector manage their Al use. Key guidelines include:

- Guidelines for Implementing Al Principles
- Al Governance in Japan Ver. 1.1.

Japanese sector-specific laws, including data protection, antimonopoly, and copyright, while not explicitly designed for AI, remain relevant in its context.

WHICH JAPANESE AUTHORITIES ARE INVOLVED IN AI POLICIES?

- Ministry of Economy, Trade and Industry
- Council for Science, Technology and Innovation
- Personal Information Protection Commission

India Al policy details

India currently lacks specific legislation for Al governance. However, the upcoming <u>Digital India Act</u> is set to focus on the regulation of high-risk Al applications.

Also, in response to the challenges posed by Al, a specialized task force has been established. The task force is charged with delving into Al's ethical, legal, and societal facets, paving the way for a prospective Al regulatory body and enhancing the nation's Al legislative landscape.

WHICH INDIAN AUTHORITIES ARE INVOLVED IN AI-RELATED POLICIES?

- NITI Aayog: The National Institution for Transforming India
- Ministry of Electronics and Information Technology
- Ministry of Commerce and Industry.

Australia Al policy details

Australia hasn't introduced specific Al governance laws or policies. Instead, the government emphasizes leveraging current regulatory structures for Al oversight.

To get a better outlook on the structure and status of Al governance in Australia, we recommend checking out the recent report "<u>The State of Al Governance in Australia</u>" issued by the University of Technology Sydney in May 2023.

WHICH AUSTRALIAN AUTHORITIES ARE INVOLVED IN AI-RELATED POLICIES?

- Department of Industry, Science and Resources
- Office of the eSafety Commissioner
- Office of the Victorian Information Commissioner
- Competition and Consumer Commission

The future of global Al regulations

The recent years have seen a growing focus on the regulation of AI technology. This trend shows no signs of slowing down, and it raises the following question: what will the future global regulatory landscape look like?

We can already start to build a picture using hints from various different jurisdictional and international approaches. For instance, the fairly recent <u>pledge</u> from G7 leaders highlights their dedication to setting AI standards. They emphasized the need for inclusive AI governance and interoperability, aiming to foster trustworthy AI that aligns with their shared democratic values.

It seems likely that closely connected regions, like the EU and the US, will work towards harmonizing their legislation. This will be important to help prevent potential regulatory gaps and facilitate easier collaboration and trade for the innovators.

On the other hand, it's likely that several regions might choose to differentiate themselves by adopting a more business-friendly approach to Al regulation, avoiding excessive restrictions. This approach might be particularly evident in countries like Switzerland and the UK.

Unfortunately, a unified global approach to AI regulation seems elusive in the near future. Considering this, a more practical solution might be to focus on the fundamental ethical aspects of AI, which are more universally agreed upon compared to specific AI regulations.

Worth checking: DPO vs. Al Ethics Officer: Who Do You Need to Stay Al-Compliant?

Prepare yourself for the global Al compliance trend

To assist you in navigating these changes, we recommend consulting with a privacy compliance expert from Legal Nodes. Our team is prepared to help you tackle global Al regulatory challenges, ensuring consistent Al compliance across different use cases.

Get started with Al regulation compliance



by Kostiantyn Ponomarov, CIPP/E

Former Data Protection Specialist @ Legal Nodes



Kostiantyn holds a certification as an Information Privacy Professional in Europe (CIPP/E). Fuelled by his passion for law and technology, he is committed to the protection of fundamental human rights, including data protection. He adds a musical touch to his repertoire as an enthusiastic jazz pianist in his spare time.

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by Kostiantyn Ponomarov, CIPP/F

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LEGAL NODES LTD

Company number: 11668206

Address: Bennet's House 21 Leyton

Road

Harpenden AL5 2HU

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